

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**ROSE ADAMA DURU,**

Plaintiff,

v.

**BERKSHIRE HATHAWAY HOME  
SERVICES, *et al.*,**

Defendants.

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Civil Action No. **3:15-CV-324-L**

**ORDER**

This case was referred to Magistrate Judge David L. Horan, who entered Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) on November 25, 2015, recommending that the court grant Defendant Kaiser Foundation Health Plan of Georgia, Inc.’s Motion to Dismiss (Doc. 41), filed September 23, 2015, and dismiss without prejudice for lack of personal jurisdiction, Plaintiff’s claims against Kaiser Foundation Health Plan of Georgia, Inc., which Plaintiff refers to as “Kaiser Permanente Georgia.” The magistrate judge further recommends that the court deny as moot the Motion to Dismiss for Lack of Personal Jurisdiction and Failure to State a Claim Against Kaiser Permanente Georgia (Doc. 36), filed August 31, 2015. No objections to the Report were filed.

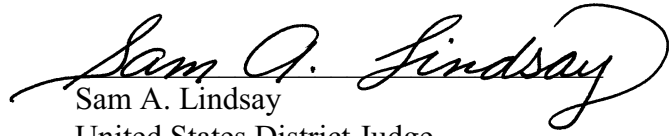
After reviewing the motions, pleadings, file, record, and the findings and conclusions of the magistrate judge, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **grants** Defendant Kaiser

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\* All claims against remaining Defendants in this case were dismissed without prejudice on August 6, 2015, pursuant to Federal Rule of Civil Procedure 12(b)(5) for insufficient service of process.

Foundation Health Plan of Georgia, Inc.'s Motion to Dismiss (Doc. 41), filed September 23, 2015, and **dismisses without prejudice** for lack of personal jurisdiction Plaintiff's claims against Kaiser Foundation Health Plan of Georgia, Inc. Having determined that the court lacks personal jurisdiction over Kaiser Foundation Health Plan of Georgia, Inc., the court need not consider the alternate grounds for dismissal under Rules 12(b)(5) and (6) that were raised in the Motion to Dismiss (Doc. 41). The court's determination regarding Kaiser Foundation Health Plan of Georgia, Inc.'s Motion to Dismiss (Doc. 41) also moots the Motion to Dismiss for Lack of Personal Jurisdiction and Failure to State a Claim Against Kaiser Permanente Georgia (Doc. 36), which the court **denies as moot**.

**It is so ordered** this 20th day of January, 2016.

  
Sam A. Lindsay  
United States District Judge